

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: LIBOR-BASED FINANCIAL  
INSTRUMENTS ANTITRUST  
LITIGATION

Civ. No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

33-35 GREEN POND ROAD ASSOC., LLC,  
on behalf of itself and all others similarly  
situated,

Civ. No. 12-cv-5822 (NRB)

Plaintiff,

v.

BANK OF AMERICA CORPORATION,  
*et al.*,

Defendants.

COURTYARD AT AMWELL II, LLC, et al.,  
on behalf of themselves and all others similarly  
situated,

Civ. No. 12-cv-6693 (NRB)

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,  
*et al.*,

Defendants.

NON-DEFENDANT OTC PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR  
AUTHORIZATION TO DISSEMINATE NOTICE OF SETTLEMENTS TO THE NON-  
DEFENDANT OTC CLASS, APPOINTMENT OF RUST CONSULTING AS THE NOTICE  
AND CLAIMS ADMINISTRATOR, HUNTINGTON BANK AS THE ESCROW AGENT,  
AND FOR PRELIMINARY APPROVAL OF PLAN OF ALLOCATION

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD

PLEASE TAKE NOTICE that, on a date and at a time to be determined by the Court, at  
the United States District Court for the Southern District of New York, Daniel Patrick Moynihan

Courthouse, 500 Pearl Street, New York, New York 10007, in the Courtroom of the Honorable Naomi Reice Buchwald, the Non-Defendant OTC Plaintiffs will, and hereby do, move the Court, pursuant to Federal Rule of Civil Procedure 23(e), for an Order: (i) authorizing the Non-Defendant OTC Plaintiffs' Counsel to send notice of five proposed class action settlements (*Settlements*) reached between Non-Defendant OTC Plaintiffs and Defendants: (1) Barclays PLC, Barclays Bank PLC, and Barclays Capital Inc.; (2) JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A.; (3) Bank of America Corporation and Bank of America, N.A.; (4) Citibank, N.A.; and (5) HSBC Bank plc in the above-captioned action; (ii) approving Non-Defendant OTC Plaintiffs' choice of Rust Consulting Inc. as Notice and Claims Administrator of the Settlements and Huntington Bank as the Escrow Agent; and (iii) preliminarily approving the Plan of Allocation.

Submitted herewith in support of Non-Defendant OTC Plaintiffs' Motion are: (i) the Non-Defendant OTC Plaintiffs' Memorandum of Law in Support of Motion for Authorization to Disseminate Notice of Settlements to the Non-Defendant OTC Class, Appointing Rust Consulting as the Notice and Claims Administrator, Huntington Bank as the Escrow Agent, and for Preliminary Approval of Plan of Allocation; (ii) the February 4, 2020 Declaration of Shannon R. Wheatman in Support of Notice Program in the Non-Defendant OTC Action and exhibits thereto; (iii) the February 4, 2020 Declaration of Steven J. Greenfogel and exhibits thereto; (iv) the proposed Plan of Allocation; and (v); the [Proposed] Order Authorizing Notice of the Settlements to the Non-Defendant OTC Class and Preliminarily Approving the Plan of Allocation.

DATED: February 4, 2020

Respectfully submitted,

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Lawrence W. Gardner and the Non-Defendant OTC Class*